



GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

MICHAEL R. STYLER KENT L. JONES
Executive Director *State Engineer/Division Director*

East Bench Irrigation Company
c/o Mr. Tracy Henrie
PO Box 38
Panguitch, UT 84759

Long Canal Company
c/o Mr. Danny Perkins
PO Box 317
Panguitch, UT 84759

Re: East Bench & Long Canals Combined Flume

July 10, 2014

Water Users:

Enclosed is a formal Notice from the State Engineer's Office explaining that the flume measuring the East Bench Canal and Long Canal combined diversion needs repair and requiring that repairs be made before the start of the next irrigation season.

You are receiving the Notice because the State Engineer's records indicate you own water rights at the subject diversion.

Should you wish to discuss the required repairs or have any questions about this Notice, please feel free to call me at (801) 538-7431.

Regards,

Sue Odekirk, P.E.
Distribution Engineer

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July 9, 2014
Subject:

CC:
Kirk Forbush
Ray Owens



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Executive Director

KENT L. JONES
State Engineer/Division Director

BEFORE THE DIVISION OF WATER RIGHTS

In The Matter Of:

East Bench Irrigation Company
c/o Mr. Tracy Henrie
PO Box 38
Panguitch, UT 84759

Long Canal Company
c/o Mr. Danny Perkins
PO Box 317
Panguitch, UT 84759

RESPONDENTS

East Bench Canal and Long Canal
Combined Diversion

MEASURING DEVICE NOTICE

DISTRIBUTION ACCOUNTS: 102159 &
102191

WATER RIGHTS: 61-2845, 61-2846, 61-865,
61-2849, 61-2850, 61-917

I. AUTHORITY

The Division of Water Rights ("Division") issues this Notice under UTAH CODE ANN. § 73-5-4 and in accordance with UTAH ADMIN. CODE R. 655-15.

U.C.A. § 73-5-4 states in part :

(1) To assist the state engineer or water commissioner in the regulation, distribution, and measurement of water, a person using water in this state, except as provided by Subsection (4), shall construct or install and maintain controlling works and a measuring device at:

- (a) each location where water is diverted from a source; and*
- (b) any other location required by the state engineer.*

(3) The state engineer shall approve the design of:
(a) the measuring device;

(6) If a water user refuses or neglects to construct or install the controlling works or measuring device after 30 days' notice to do so by the state engineer, the state engineer may:
(a) forbid the use of water until the user complies with the state engineer's requirement;

July 9, 2014

Subject: EAST BENCH CANAL & LONG CANAL COMBINED DIVERSION

II. STATEMENT OF FACTS

1. The Respondents divert water from the Sevier River under the above-listed water rights through a head gate at the following location: South 3,090 feet and West 1,005 feet from the North quarter-corner of Section 11, Township 35 South and Range 5 West, Salt Lake Baseline Meridian.
2. Equitable distribution of water from the Sevier River requires that the respondents' diversion be equipped with a functional and accurate measuring device. April 25, 2014 the Parshall Flume was inspected.
 - a. The flume is twisted so that the water does not flow freely and therefore is not accurately measured.

III. ACTIONS REQUIRED

1. The flume must be level horizontally and longitudinally.

Water should not be diverted after March 15, 2015 unless the above action has been completed.

The orderly distribution of water from the Sevier River in accordance with existing water rights is a concern to Division as well as to the Respondents. To that end we appreciate and thank you for your cooperation. If you have any questions concerning this Notice please contact Sue Odekirk, Distribution Engineer at (801) 538-7431 or Kirk Forbush, Southern Regional Engineer at (435) 896-4429.

Dated this 10th day of July, 2014.



Sue Odekirk, P.E.
Distribution Engineer

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July 9, 2014

Subject: EAST BENCH CANAL & LONG CANAL COMBINED DIVERSION

CERTIFICATE OF MAILING

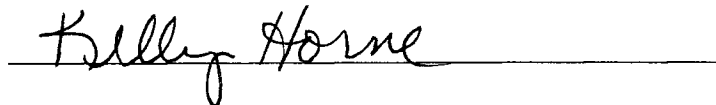
I, the undersigned, certify that on this Dated this 10th day of July, 2014, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

East Bench Irrigation Company
c/o Mr. Tracy Henrie
PO Box 38
Panguitch, UT 84759

USPS TRACKING # **9114 9011 2308 6069 1221 17**
& CUSTOMER
RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

Long Canal Company
c/o Mr. Danny Perkins
PO Box 317
Panguitch, UT 84759

USPS TRACKING # **9114 9011 2308 6069 1221 24**
& CUSTOMER
RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.



Kelly Horne
Division of Water Rights
Field Services Secretary

cc: Kirk Forbush, Ray Owens, File